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HOUSE BILL 675

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Donald L. Whitaker

AN ACT

RELATING TO DEVELOPMENT TRAINING; PERMITTING LIMITED WAIVERS
OF CERTAIN TRAINEE REQUIREMENTS; AMENDING A SECTION OF THE
NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-19-7 NMSA 1978 (being Laws 1983,
Chapter 299, Section 1, as amended) is amended to read:

"21-19-7. DEVELOPMENT TRAINING. --

A. The economic development department shall
establish a development training program that provides quick-
response classroom and in-plant training to furnish qualified
manpower resources for new or expanding industries and non-
retail service sector businesses in New Mexico that have
business or production procedures that require skills unique
to those industries. Training shall be custom-designed for

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1 the particular company and shall be based on the special
2 requirements of each company. The program shall be operated
3 on a statewide basis and shall be designed to assist any area
4 in becoming more competitive economically.

5 B. There is created the "industrial training
6 board" composed of:

7 (1) the director of the economic development
8 division of the economic development department;

9 (2) the director of the vocational education
10 division of the state department of public education;

11 (3) the director of the job training division
12 of the labor department;

13 (4) the executive director of the commission
14 on higher education;

15 (5) one member from organized labor appointed
16 by the governor; and

17 (6) one public member from the business
18 community appointed by the governor.

19 C. The industrial training board shall establish
20 policies and promulgate rules and regulations for the
21 administration of appropriated funds and shall provide review
22 and oversight to assure that funds expended from the
23 development training fund will generate business activity and
24 give measurable growth to the economic base of New Mexico
25 within the legal limits preserving the ecological state of New

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1 Mexico and its people.

2 D. Subject to the approval of the industrial
3 training board, the economic development division of the
4 economic development department shall:

5 (1) administer all funds allocated or
6 appropriated for industrial development training purposes;

7 (2) provide designated training services;

8 (3) regulate, control and abandon any
9 training program established under the provisions of this
10 section;

11 (4) assist companies requesting training in
12 the development of a training proposal to meet the companies'
13 manpower needs;

14 (5) contract for the implementation of all
15 training programs;

16 (6) provide for training by educational
17 institutions or by the company through in-plant training, at
18 the company's request; and

19 (7) evaluate training efforts on a basis of
20 performance standards set forth by the industrial training
21 board.

22 E. The vocational education division of the state
23 department of public education shall provide technical
24 assistance to the economic development department concerning
25 the development of agreements, the determination of the most

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1 appropriate instructional training to provide and the review
2 of training program implementation.

3 F. The state shall contract with a company or an
4 educational institution to provide training or instructional
5 services in accordance with the approved training proposal and
6 within the following limitations:

7 (1) no payment shall be made for training in
8 excess of one thousand forty hours of training per trainee for
9 the total duration of training;

10 (2) training applicants shall have resided
11 within the state for a minimum of one year immediately prior
12 to the commencement of the training program and be of legal
13 status for employment; provided, however, that prior to July
14 1, 2004 the residency requirements may be waived in part for
15 projects within New Mexico communities located within fifty
16 miles of the state border if the project meets the following
17 criteria:

18 (a) the project will employ more than
19 one thousand five hundred employees;

20 (b) the resident labor force within a
21 fifty mile radius of the project location is not sufficient to
22 fill the full-time-equivalent position requirements of the
23 project as determined by the labor department;

24 (c) preference for training shall be
25 given to New Mexico residents; and

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(d) no less than fifty percent of the project's work force shall be residents of New Mexico;

(3) payment for institutional classroom training shall be made under any accepted training contract for a qualified training program;

(4) no payment shall be made under any accepted training contract for rental of facilities unless facilities are not available on site or at the educational institution;

(5) all applicants shall be eligible under the federal Fair Labor Standards Act and shall not have terminated a public school program within the past three months except by graduation;

(6) trainees shall be guaranteed full-time employment with the contracted company upon successful completion of the training;

(7) persons employed to provide the instructional services shall be exempt from the minimum requirements established in the state plan for other state vocational programs; and

(8) no payment shall be made for training programs or production of Indian jewelry or imitation Indian jewelry unless a majority of those involved in the training program or production are of Indian descent. "